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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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DEAN JEFFRIES L. GOODRIDGE,  
Individually and as the Natural Father and  
as Personal Representative of the Estate of  
TAYLOR GOODRIDGE, Deceased, and  
AMBERLYNN WIGTION, Individually  
and as the Natural Mother of TAYLOR  
GOODRIDGE, Deceased,

Plaintiff,

v.

DIAMOND RANCH ACADEMY, INC.; a  
Utah Corporation; BIG SPRINGS  
PROPERTIES,

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING PLAINTIFFS'  
MOTION FOR LEAVE TO FILE A  
FOURTH AMENDED COMPLAINT

Case No. 4:22-cv-00102-DN-PK

District Judge David Nuffer  
Magistrate Judge Paul Kohler

This matter is before the Court on Plaintiffs' Motion for Leave to File a Second Amended Complaint.<sup>1</sup> Plaintiffs seek to amend the Complaint to name additional Defendants and to include additional allegations. Defendants have not responded to the Motion and the time for doing so has expired.<sup>2</sup>

Generally, once a responsive pleading is filed, "a party may amend its pleading only with the opposing party's written consent or the court's leave."<sup>3</sup> "The court should freely give leave when justice so requires."<sup>4</sup> "In the absence of any apparent or declared reason—such as undue

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<sup>1</sup> Docket no. 40, filed July 12, 2023.

<sup>2</sup> DUCivR 7-1(a)(4)(D)(ii) ("A response to a motion must be filed within 14 days after service of the motion.")

<sup>3</sup> Fed. R. Civ. P. 15(a)(2).

<sup>4</sup> *Id.*

delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be ‘freely given.’”<sup>5</sup> Here, there is no evidence of undue delay, bad faith, dilatory motive, repeated failures to cure, undue prejudice, or futility. Therefore, leave will be given.

It is therefore

ORDERED that Plaintiffs’ Motion for Leave to File a Fourth Amended Complaint (Docket No. 40) is GRANTED. Plaintiffs shall file their Fourth Amended Complaint within fourteen (14) days of this Order.

DATED this 31<sup>st</sup> day of July, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Paul Kohler', is written over a horizontal line.

PAUL KOHLER  
United States Magistrate Judge

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<sup>5</sup> *Foman v. Davis*, 371 U.S. 178, 182 (1962).